



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

February 25, 2024

BY ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Whitehead, S1 22 Cr. 692 (LGS)

Dear Judge Schofield:

The Government writes to respectfully request, on behalf of the parties, that the Court give the following limiting instruction upon the admission of text messages and recordings of meetings or calls between the defendant and Brandon Belmonte:

Recordings of conversations between Brandon Belmonte and the defendant, and text messages exchanged between Belmonte and the defendant have just been admitted as evidence. The statements made by Belmonte on the recordings and in the text messages are not to be considered for their truth. Instead, they are being admitted to provide context for statements made by the defendant; for their effect on the defendant as the listener to or recipient of Belmonte's statements; or as statements the defendant adopted based on his responses or lack of objection or response. You should consider Belmonte's statements only for those purposes, and should not consider Belmonte's statements for the truth of the matters asserted therein.

In addition, the defense requests that upon the admission of evidence pursuant to Federal Rule of Evidence 404(b), the Court give the "Similar Acts" instruction that was included in the parties' joint requests to charge. (Dkt. 124 at 54). The Government does not object to this request.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/

Jessica Greenwood / Jane Kim / Derek Wikstrom
Assistant United States Attorneys
Tel.: (212) 637-1090 / 2038 / 1085